

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Tuesday, February 21, 2012 at
6:00 P.M.**

Council President Arthur S. Weber, Jr., Presiding

Vice President Bruce J. Long, Arrives at 6:55 pm

Councillor Richard Cambra

Councillor Christopher T. Semonelli

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

Councillor Edward J. Silveira, Jr., Absent

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

EXECUTIVE SESSION

- 1. Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a)(2) Collective Bargaining (Town Hall).**

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to recess open session at 6:31 P.M. and reconvene in executive session.

On motion of Vice President Long, duly seconded, it was voted unanimously to reconvene in open session at 7:00 P.M.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication from NEARI/NEA Union, entered here:

On motion of Vice President Long, duly seconded, it was

unanimously to retain the law firm of Little, Medeiros, Kinder, Bulman & Whitney to act a legal Counsel to assist the Town Administration with collective bargaining.

On motion of Vice President Long, duly seconded, it was voted unanimously to seal the minutes of executive session pursuant to Section 42-46-7. RIGL.

COMMENDATION

2. (Continued from February 6, 2012, Regular Meeting)

Resolution of the Council, re: Commendation for Julie Oakley.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

Council President Weber read and presented Julie Oakley with the commendation.

PUBLIC FORUM SESSION

3. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

No one addressed the Council during this session.

Vice President Long requested that item #11 be heard under the regular portion of the docket.

CONSENT

4. Approval of Minutes, re: Regular Meeting, February 6, 2012.

On motion of Vice President Long, duly seconded, it was voted unanimously to approve said minutes.

5. Notice from Angelo Liberti, Chief Surface Water Protection, Office of Water Resources, RIDEM, with enclosure, re: Notice of Proposed Rule-Making – Proposed Amendments to Water Quality Regulations Regarding Skeet Shooting.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said notice.

6. Resolutions from Rhode Island Cities and Towns, re: Requesting support for H7055 Increasing number of voters per voting precinct.

(See Attached list)

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said resolutions.

7. Communication of Finance Director, with enclosures, re: Cancellation of Taxes for certain Middletown residents.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

8. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

9. Memorandum of Tax Assessor, with enclosures, re: Cancellation of Taxes for certain Middletown residents.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

10. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

Vice President Long recused himself from acting on the following item, #11, of business, due to a possible conflict of interest.

11. Applications five (5) from the following named persons, firms or corporations for Special Event Permits. (See Attached List)

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to grant said Special Event Permits.

12. Applications received from the following named persons, firms and corporations for RENEWAL of Drain Layers Licenses for the 2012-2013 licensing year. (See Attached List)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewals.

LICENSES

13. Application for Special Event Permit from Middletown Pan Massachusetts Challenge Kids, A kid's bike ride fundraiser to support the Jimmy Fund, a cancer research foundation, Third Beach Road and Hanging Rocks Road, on Sunday, May 20, 2012 from 8:00 A.M. until 12:00 noon, includes a request to waive permit fee.

Kim Richardson, Coordinator of PAN Massachusetts Challenge Kids, addressed the Council reviewing the Event, which will take place on May 20, 2012 and requests Council support to grant and waive permit fee.

Kelly Richards, Teacher at St. Georges School, explained that many people are affected by the cancer and this is a chance to raise funds and awareness of the disease.

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said Special Event Permit and waive permit fee.

14. Application of Sugar High, Inc., 876 West Main Road, for a Victualling House License for the 2011-2012 licensing year. (NEW)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.

15. Application of Sugar High, Inc., 876 West Main Road, for a Holiday License for the 2012-2013 licensing year. (NEW)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license.

PUBLIC HEARING

16. Public Hearing (Advertised)

Town of Middletown application for Small Cities Community Development Block Grant (CDBG) for certain projects, in an amount not to exceed \$300,000.

Public Hearing was declared open.

Town Planner Ronald Wolanski reviewed the memorandum, entered here:

Stephen P. Ostiguy, Executive Director, Church Community Housing Corporation, addressed the Council noting that he will assist the Town with preparing the CDBG application. Church Community Housing is requesting \$30,000 of the grant this year. Mr. Ostiguy noted that Community Development funding has been reduced this year.

Berniece Clohecy, Assistant Director of Head Start, noted that all the families served by the Head Start program are low income. The

program serves children and families. Ms. Clohecy requests support for electrical upgrades to the Joel Peckham School, which is where the program is located.

Daniel Erikson, representing the Boys & Girls Club, addressed the Council explaining that at the Oxbow site membership is increasing and the club wants to add new programs.

Jimmy Winters, representing Community Housing Resource Board/Housing Hot Line, thanked the Council for their support. Mr. Winters noted that the Housing Hotline serves 3,000 to 4,000 calls yearly and has assisted 75 families with emergency shelter in hotels.

Jennifer Barrara, Director Lucy's Hearth, addressed the Council thanking them for continued support. Lucy's Hearth serviced 121 people with emergency shelter and is now accredited nationally. Ms. Barrara requests support for Lucy's Hearth general operating expenses.

There being no other persons desiring to be heard public hearing was declared closed.

OTHER COMMUNICATION

17. Communication of Eric Godin, Athletic Director, Middletown High School, re: Request for support by placing an ad in the 2012 Spring, Fall and Winter Sports Programs.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication and place a ½ page ad in the Spring, Fall and Winter Sports Programs for the price of a ¼ page ad (\$195.00 each ad totaling \$585.00) to be appropriated from the Council President's Discretionary Fund.

COMMUNICATIONS OF TOWN ADMINISTRATOR

**18. Memorandum of Town Administrator, with enclosure, re:
Proposed Wind Turbine Report.**

**Town Administrator Shawn Brown reviewed the memorandum,
entered here:**

**On motion of Vice President Long, duly seconded, it was voted
unanimously to receive said memorandum.**

19. Resolution of the Council, re: Town 2012 Legislative Agenda.

**On motion of Vice President Long, duly seconded, it was voted
unanimously to pass said resolution.**

APPOINTMENTS TO BOARDS & COMMITTEES

20. (Continued from February 6, 2012 Regular Meeting)

Communication of Jeffrey M. Willis, Deputy Director, CRMC, re: Requesting Council to appoint a representative of the Town to serve as an alternate subcommittee member.

On motion of Vice President Long, duly seconded, it was voted unanimously to appoint Barbara Barrow as the CRMC alternate for Middletown.

21. Appointment of five (5) members to the Juvenile Hearing Board; three (3) regular members and two (2) auxiliary members for terms expiring April 2015.

On motion of Vice President Long, duly seconded, it was voted unanimously to reappoint Henry “Rick Lombardi, George B. Ramsey, Jane E. Regan, as regular members and reappoint Steve Rodrigues and John Terlisner as auxiliary members to the Juvenile Hearing Board for terms expiring April 2015.

22. Appointment of one (1) resident for the Park Steward Program, term to be determined.

On motion of Vice President Long, duly seconded, it was voted unanimously to appoint Peter W. Downing as Park Steward of Howland Park for a two-year term expiring March 2014.

23. Appointment of one (1) member to the Pension Trust Fund Committee for a term expiring February 2015.

On motion of Vice President Long, duly seconded, it was voted unanimously to reappoint John W. Bagwill to the Pension Trust Fund Committee for a term expiring February 2015.

24. Appointment of two (2) members (Residents) to the Roads and

Utilities Advisory Committee for terms expiring March 2015.

On motion of Vice President Long, duly seconded, it was voted unanimously to reappoint William J. DiMarco and Michael J. Fenton as resident members to the Roads and Utilities Advisory Committee for terms expiring March 2015.

25. Appointment of three (3) members to the Substance Abuse Prevention Task Force; three (3) vacancies terms expiring March 2015 and two (2) vacancies terms expiring April 2015.

On motion of Vice President Long, duly seconded, it was voted unanimously to reappoint Carmela Geer for a term expiring March 2015, reappoint Susan Schenck for a term expiring April 2015 and appoint Joan Westgate to the Substance Abuse Prevention Task Force for a term expiring April 2015.

26. Application of one (1) member to the Wind Turbine Committee, no

term limits have been set for the committee.

On motion of Vice President Long, duly seconded, it was voted unanimously to appoint John R. Mello, Jr. to the Wind Turbine Committee for an indefinite term.

27. Discussion of interviews for the Planning Board and Zoning Board appointments; based on motion from Regular Meeting of February 7, 2011 – by Vice President Long, duly seconded, it was voted unanimously that the Council collectively interview applicants wishing to be appointed to the Zoning and Planning Boards; Council may waive the requirement for reappointments; all new applicants shall be interviewed prior to appointment.

On motion of Vice President Long, duly seconded, it was voted unanimously to begin discussion.

Vice President Long reviewed the motion from February 7, 2011,

mentioned above and suggests that interviews be scheduled for the new applications of the Planning and Zoning boards; applicants requesting reappointment will not be interviewed. The interviews will be scheduled prior to the Regular Meeting on March 5, 2012 to allow for appointments to the Boards that same evening.

On motion of Vice President Long, duly seconded, it was voted unanimously to adjourn said meeting at 7:35 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

Published by ClerkBase

©2012 by Clerkbase. No Claim to Original Government Works.